IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.142 OF 2007

The State of Maharashtra. ..Petitioner.
Vs.
Shri.Chandrashekhar G.Apte. ..Respondent.

Mr.S.K.Chincholikar, AGP. for the Petitioner.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 16th April, 2007

P.C.

1. Heard.

2. The services of the respondent were absorbed by an order dated 4.2.1986.The grievance of the petitioner is that the respondent has not passed the departmental examination and therefore, he is not eligible for increment. The Maharashtra Administrative Tribunal has considered this aspect and has concluded that at the time of absorption, no such condition was imposed. Not only that, the respondent has been brought on higher pay scale by order dated 8.10.1995 as a Sectional Engineer and under these circumstances, the increment cannot be stopped. We do not find any reason to interfere in the impugned order. Petition is accordingly rejected.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**